

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 187

HOUSE BILL 2008

AN ACT

AMENDING SECTION 15-1851, ARIZONA REVISED STATUTES; RELATING TO THE
COMMISSION FOR POSTSECONDARY EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1851, Arizona Revised Statutes, is amended to
3 read:

4 15-1851. Commission for postsecondary education; purpose;
5 report; members; terms; powers and duties;
6 compensation; quorum; personal liability

7 A. The commission for postsecondary education is established as the
8 postsecondary review entity for this state for the conduct, supervision and
9 coordination of the review of postsecondary education institutions in order
10 to determine the eligibility of those institutions for student financial aid
11 monies pursuant to the provisions of part H, subpart one of the higher
12 education amendments of 1992 (P.L. 102-325; 106 Stat. 638; 20 United States
13 Code section 1099a). The commission shall accomplish the purpose of this
14 subsection through the accumulation of information, the performance of
15 studies and the determination of compliance by the postsecondary education
16 institutions with the provisions of part H, subpart one of the higher
17 education amendments of 1992. The review authority of the commission shall
18 be limited to circumstances where the United States department of education
19 has referred an institution to the commission for review or where the United
20 States department of education has approved the review of an institution in
21 accordance with criteria established by the United States department of
22 education. The commission shall keep records of its activities, and the
23 commission shall provide information when requested to the United States
24 secretary of education for financial and compliance audits and for
25 institution evaluation. The scope of authority of the commission acting as
26 a postsecondary review entity to review any educational institution is
27 limited specifically to compliance by the institution with title IV, part H,
28 subpart one of the higher education amendments of 1992. Any review of any
29 institution conducted by the commission shall be performed in the context of
30 the institution's individual mission and purposes. The commission shall not
31 exercise planning, policy, coordinating, supervisory, budgeting or
32 administrative powers over any postsecondary institution in this state.

33 B. The commission shall also administer the applicable programs
34 identified under section 1203 of the higher education act amendments of 1998
35 (P.L. 105-244), including the leveraging educational assistance partnership
36 program, the federal family education loan program and the Paul Douglas
37 teacher scholarships program, and shall supervise the state guarantee agency
38 under the higher education act amendments of 1998.

39 C. In addition to the responsibilities prescribed in subsections A and
40 B of this section, the commission shall:

41 1. Provide a forum to public and private postsecondary education
42 institutions for discussion of issues of mutual interest, including the
43 following:

1 (a) The postsecondary needs of unserved and underserved individuals
2 in this state.

3 (b) The resources of public and private institutions, organizations
4 and agencies that are located in this state and that are capable of providing
5 postsecondary education opportunities.

6 (c) Enrollment demand and public policy options to meet statewide
7 needs for postsecondary education services.

8 (d) Cooperative comprehensive instructional and capital planning.

9 2. Provide reports pursuant to this subsection on discussions of
10 issues of mutual interest.

11 3. Coordinate and promote collaborative studies on issues of mutual
12 interest to public and private postsecondary education institutions.

13 4. Compile and disseminate information to the public regarding
14 postsecondary education opportunities in this state.

15 5. Prepare an annual report that summarizes the results of the
16 commission's activities prescribed in this section and section 15-1852. The
17 annual report shall be submitted to the speaker of the house of
18 representatives, the president of the senate, the governor and the Arizona
19 state library, archives and public records by December 28.

20 D. The commission consists of the executive director of the Arizona
21 board of regents, the executive director of the state board of directors for
22 community colleges, the executive director of the state board for private
23 postsecondary education and the following thirteen FOURTEEN additional
24 members who shall be appointed by the governor pursuant to section 38-211:

25 1. Two members who hold senior executive or managerial positions in
26 a university under the jurisdiction of the Arizona board of regents.

27 2. Two members who hold senior executive or managerial positions in
28 a community college district that is under the jurisdiction of the state
29 board of directors for community colleges, one representing a community
30 college district in a county with a population of five hundred thousand
31 persons or more and one representing a community college district in a county
32 with a population of less than five hundred thousand persons.

33 3. Two members who hold senior executive or managerial positions in
34 private postsecondary institutions of higher education that are licensed
35 under title 32, chapter 30, that are located in this state, that offer
36 bachelor or higher degrees and that are accredited by a regional
37 accreditation agency approved by the United States department of education.

38 4. Two members who hold senior executive or managerial positions in
39 private postsecondary institutions of higher education that are licensed
40 under title 32, chapter 30, that are located in this state, that offer
41 vocational education programs and that are accredited by a national
42 accreditation agency approved by the United States department of education.

1 5. One member who holds a senior executive or managerial position in
2 a private cosmetology school that is licensed under title 32, chapter 5, that
3 is located in this state, that offers cosmetology programs approved by the
4 board of cosmetology and that are accredited by a national accreditation
5 agency approved by the United States department of education.

6 6. One member who holds a senior executive or managerial position in
7 an institution that is licensed under title 32, chapter 23 or under the
8 provisions of 14 Code of Federal Regulations part 147, that offers vocational
9 education programs at the postsecondary level, that is located in this state
10 and that is not an institution that is qualified under any other category.

11 7. One member who has held a senior executive or managerial level
12 position in commerce or industry in this state for at least three years
13 before the member's appointment and who is not qualified to serve under any
14 other category.

15 8. Two members who hold senior executive or managerial positions in
16 the high school education system in this state.

17 9. ONE MEMBER WHO IS AN OWNER, OPERATOR OR ADMINISTRATOR OF A CHARTER
18 SCHOOL IN THIS STATE.

19 E. Members of the commission appointed pursuant to subsection D,
20 paragraphs 1 through 8- 9 of this section shall serve four year terms.
21 Appointed members of the commission shall be residents of this state.
22 Appointed members of the commission at all times during their terms shall
23 continue to be eligible for appointment under the category that they were
24 appointed to represent. Terms of appointed members of the commission begin
25 on the third Monday in January. No appointed member of the commission may
26 serve more than two consecutive terms.

27 F. The executive director of the Arizona board of regents, the
28 executive director of the state board of directors for community colleges and
29 the executive director of the state board for private postsecondary education
30 serve as members of the commission during their respective terms of office
31 and are not eligible to vote with respect to the commission's review of any
32 postsecondary institution.

33 G. Members appointed pursuant to subsection D, paragraphs 1 through
34 8- 9 of this section are eligible to receive compensation pursuant to section
35 38-611 for each day spent in the performance of commission duties and may be
36 reimbursed for expenses properly incurred in connection with the attendance
37 at meetings or hearings of the commission.

38 H. The governor shall appoint a chairman from among the members of the
39 commission who shall serve a one year term that begins on the third Monday
40 in January.

41 I. Except as provided in subsection J of this section, a majority of
42 the members of the commission constitutes a quorum for the transaction of
43 commission business. The vote of a majority of the quorum constitutes
44 authority for the commission to act.

1 J. For all purposes relating to title IV, part H, subpart one of the
2 higher education amendments of 1992 the commission membership shall consist
3 only of the members appointed pursuant to subsection D, paragraphs 1 through
4 7 of this section, and all commission actions taken pursuant to title IV,
5 part H, subpart one of the higher education act of 1992 require the
6 affirmative vote of at least six members.

7 K. Members of the commission are immune from personal liability with
8 respect to all actions that are taken in good faith and within the scope of
9 the commission's authority.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.

Passed the House January 27, 2003,

by the following vote: 58 Ayes,

0 Nays, 1 Not Voting
1 VACANCY

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate May 5, 2003,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Channing Billings
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2003

at 12:06 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9⁰⁰ o'clock A. M.

Jon Rynolds
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003,

at 4:03 o'clock P M.

Jamie L. Brewer
Secretary of State

H.B. 2008